

United States District Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

NO. CR18-5579RBL

Plaintiff,

COMPLEX CASE MANAGEMENT ORDER

V.

CARLOS EDUARDO LOPEZ
HERNANDEZ, et al..

Defendants.

This case came before the Court for a status conference and motion hearing on January 24, 2019.

Prior to the hearing, in an Order dated January 2, 2019, the Court appointed Russell M. Aoki as Coordinating Discovery Attorney for this case. *See* Dkt. 314.

At the hearing, the Court reviewed the United States' motion to continue this trial [Dkt. 289] to a date in December of 2019, and heard from individual defendants who objected to the continuance altogether and/or the proposed length of the continuance.

During the course of the hearing, the parties also discussed the volume and nature of the discovery involved; the complexities involved in managing this discovery, even

1 with the assistance of Mr. Aoki; and the complexities inherent in the number of
 2 defendants in this case.

3 At the close of the hearing, the Court found that the ends of justice and the
 4 complexity of this case outweighed the interests of the public in having this matter
 5 brought to trial sooner, overruled all defense objections, and continued the trial to
 6 September 23, 2019. *See* Dkts. 393, 394.

7 The Court also suggested the parties to meet and confer regarding a complex case
 8 schedule to manage this matter.

9 The parties have done so. With the exception of the dates by which the United
 10 States is to produce *Jencks* material, as discussed below, the parties hereby stipulate and
 11 agree that the Court should enter the following proposed Order.

12 The United States is proposing two different deadlines for provision of *Jencks*
 13 material to counsel. The first proposed deadline, for all *Jencks* material other than that
 14 for cooperating witnesses or confidential sources, is September 9, 2019 (two weeks prior
 15 to trial). The second proposed deadline, for *Jencks* material pertaining to cooperating
 16 witnesses or confidential sources, is September 16, 2019 (one week prior to trial).

17 Through counsel, defendants Lopez Hernandez, Heredia Castro, Green, Michael
 18 Scott, and Carrillo Salcedo, demand a disclosure of “all *Jencks*, *Giglio*, and CI discovery”
 19 no later than six weeks prior to trial. Through counsel, defendants Zelaya, Kristovich,
 20 and Suryan demand disclosure of “all *Jencks/Giglio* material, including cooperating
 21 witnesses,” of September 3, 2019 (three weeks prior to trial). None of these eight
 22 defendants provided legal authority supporting this earlier disclosure. Defendant Aviles
 23 Berrelleza, through counsel, had no objection to any of the deadlines as proposed.
 24 Counsel for Vea Cervantes, Cesar Loya Soto, Sierra Barrientos, Urias Moreno, Sarmiento
 25 Valenzuela, Baumgartner, Riggins, Esther Scott, Barajas, Gonzalez Jimenez, Puentes,
 26 and Werber did not respond to the undersigned regarding the proposed dates.

1 The Court, having reviewed the record and files in this case, having considered the
 2 matters discussed at the January 24, 2019, status conference, and being otherwise fully
 3 advised, adopts the following schedule:

Event	Date
Government to continue to provide discovery under Fed. R. Crim. P. 16(a)(1)(A) – (F) and Local CrR 16(a)(1), including its continuing obligations set forth in Rule 16(c)	Ongoing
Government to supersede to add substantive counts	March 21, 2019
Deadline to file pretrial motions I (dismissal, discovery, Bill of Particulars, and the like) Responses to be filed by July 8, 2019; reply briefs, if any, to be filed by July 12, 2019; noting date of July 15, 2019	June 24, 2019
Defense to provide reciprocal discovery under Rule 16(b)(1)(A) – (B) and Local CrR 16(a)(2), with continuing obligation per rule 16(c); defense to provide notices of any defenses alleged under Fed. R. Crim. P. 12.1, 12.2 or 12.3	June 24, 2019
Pretrial motions II (motions based on review of discovery and defense investigation, including motions to suppress wiretap or searches, challenges to venue, substantive severance motions) Responses due August 2, 2019; replies, if any, due August 9, 2019; Noting date of August 22, 2019	July 22, 2019
Parties to exchange expert discovery under Rules 16(a)(1)(G) and 16(b)(1)(C)	August 12, 2019
Government to identify FRE 404(b) evidence, if any	August 19, 2019
Deadline for Government to supersede to consolidate cases/add defendants for trial, if necessary ¹	August 22, 2019

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 28¹ There are a number of one- or two-defendant cases, all assigned to this Court, related to the instant matter. See
 CR18-310 (*United States v. Alcala Contreras*), CR18-312 (*United States v. Alvarado Armenta*), CR18-313 (*United States v. Barber*), CR18-5606 (*United States v. Burns*), CR18-5593 (*United States v. Cammel*), CR18-5592 (*United Case Management Order - 3*

1	Event	Date
2	Status Conference/Motions Hearing II, to include discussion of possible severance issues, if any	August 22, 2019
4	Parties to exchange draft transcripts of recorded calls/meetings for proposed use at trial.	August 23, 2019
6 7 8 9 10	Deadline for motions in limine (including, but not limited to, any challenges to proposed experts); motions re: 404(b) and inextricably intertwined evidence; motions to sever Responses due September 5, 2019; replies due September 12, 2019; Noting date September 16, 2019.	August 29, 2019
11 12	Parties to exchange objections/proposed revisions to transcripts as to form and content.	September 3, 2019
13 14	Parties to exchange all summary exhibits and underlying data under Fed. R. Evid. 1006; parties to provide rebuttal expert disclosures	September 9, 2019
15 16 17 18	Parties to exchange <i>Jencks</i> Act Fed. R. Crim. P. 26.2 and <i>Giglio</i> impeachment materials, including information covered by Fed. R. Evid. 806 materials <i>except</i> for government cooperating witnesses or confidential source witnesses.	September 9, 2019
19 20 21 22	Government to produce <i>Jencks</i> Act, Fed. R. Crim. P. 26.2 and <i>Giglio</i> impeachment materials, including information covered by Fed. R. Evid. 806 (if any) for government cooperating witnesses and/or confidential source witnesses (if any).	September 3, 2019
23 24	Exhibit Lists, Witness Lists, Trial Briefs, Proposed Jury Instructions, Voir Dire and Verdict Forms due	September 13, 2019

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26 *States v. Djordjevic*), CR18-311 (*United States v. Gamez Cervantes*), CR18-5607 (*United States v. Gregory*), CR18-5591 (*United States v. Hubly*), CR18-5590 (*United States v. Hynek*), CR 18-304 (*United States v. Joslyn*), CR18-309 (*United States v. Mares Garcia*), CR18-5589 (*United States v. Mendiola*), CR18-5594 (*United States v. Nemeyer*), CR18-308 (*United States v. Ordorica-Garcia*), CR18-5595 (*United States v. Rodriguez Jaime*), and CR18-5605 (*United States v. Wilson*).

1	Event	Date
2	Pretrial Conference, including hearings on motions in limine (if necessary)	September 16, 2019
4	File proposed trial exhibits (General Order 01-18) and commence trial	September 23, 2019, at 9:00 a.m.

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7 Modifications to the deadlines set forth in this order may be made by the Court
8 based on changing circumstances or for other good cause shown.

9 DATED this 19th day of February, 2019.

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12 Ronald B. Leighton
13 United States District Judge

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17 Presented by:

18 BRIAN T. MORAN
19 United States Attorney

20 /s/ Marci L. Ellsworth
21 MARCI L. ELLSWORTH
22 Assistant United States Attorney